



U.S. Department of Justice

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August 2, 2005

05-105M-MPT

Honorable Mary Pat Thyng
United States Magistrate Court
J. Caleb Boggs Federal Building
844 King Street
Wilmington, Delaware 19801

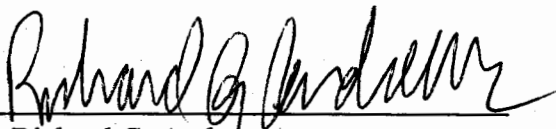
Re: **United States v. Benjamin Wing**
Magistrate No. 05-

Dear Judge Thyng:

The parties have agreed to the enclosed plea agreement, and respectfully request that the Court schedule a Rule11 entry of a guilty plea.

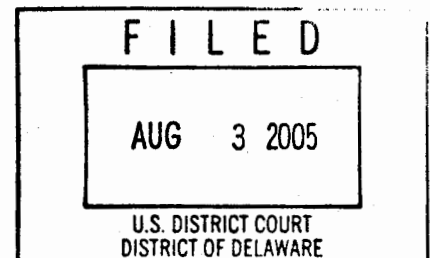
Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: 
Richard G. Andrews
First Assistant United States Attorney

pc: Raymond Radulski, Esquire (w/ Enc.)
Clerk, U.S. District Court (w/ Enc.)

RGA:slb
Enclosure



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN WING,

Defendant.

Magistrate No. 05- 105M-MPT

MEMORANDUM OF PLEA AGREEMENT

Pursuant to discussions between the United States of America, by and through its attorney, Richard G. Andrews, First Assistant United States Attorney for the District of Delaware, and the defendant, Benjamin Wing, by and through his attorney, Raymond Radulski, Esquire, the following agreement is hereby entered into by the respective parties:

1. The defendant shall plead guilty in the United States District Court for the District of Delaware to Counts One and Two of an Information, both of which charge theft from a federally-insured bank, in violation of Title 18, United States Code, Section 2113(b), which carries, for each count, a maximum sentence of a term of imprisonment of one year, a fine of \$100,000, or both, one year of supervised release, restitution, and a \$25 special assessment. The defendant understands these sentences could be imposed consecutively.

2. The defendant acknowledges that he passed two similar counterfeit checks, one for \$726.18 and one for \$792.84, in New Jersey. He agrees that he can be ordered to make restitution for those two

checks also, and understands and agrees that he should be ordered to make a total of \$3,025.28.

3. The defendant understands that at sentencing the Court must consider the United States Sentencing Guidelines and take them into account in exercising its discretion to determine the appropriate sentence and must also consider the other factors bearing on an appropriate sentence pursuant to Title 18, United States Code, Section 3553(a). The Government understands that there is substantial evidence that the defendant has rehabilitated himself in the nearly five years since the offenses occurred, and based on that understanding, the Government will recommend that the Court impose a sentence that (1) provides for restitution; and (2) does not involve incarceration. The Government agrees to recommend a two point reduction for acceptance of responsibility, assuming that the defendant does not do anything inconsistent with acceptance of responsibility subsequent to the entry of the guilty plea. The defendant understands that the final determination of the sentencing guidelines will be up to the sentencing judge. The defendant understands that the Court is not bound by any stipulation between the parties, and that if the Court calculates the guidelines differently than he expects, or contrary to any stipulation of the parties or recommendation of his attorney, that he will not be allowed to withdraw his guilty plea.

4. The defendant agrees to pay the \$100 of special assessments the day of sentencing.

5. The United States agrees to move to dismiss the indictment in Criminal Action No. 01-22-JJF, as it pertains to the defendant, subsequent to his entry of this guilty plea.

6. It is further agreed by the undersigned parties that this Memorandum supersedes all prior promises, representations, and statements of the parties; that this Memorandum may be modified only in

writing signed by all the parties; and, that any and all promises, representations, and statements made prior to or after this Memorandum are null and void and have no effect whatsoever.

COLM F. CONNOLLY
United States Attorney

Raymond Radulski, Esquire
Attorney for Defendant

By: _____
Richard G. Andrews
First Assistant United States Attorney

Benjamin Wing
Defendant

Dated:

AND NOW, this _____ day of _____, 2005, the foregoing Memorandum of
Plea Agreement is hereby (accepted) (rejected) by this Court.

HONORABLE MARY PAT THYNGE
UNITED STATES MAGISTRATE JUDGE